

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

ANTHONY KINDER,
Plaintiff,

v.

**READING POLICE OFFICER
HECTOR MARINEZ , et al.,**
Defendants.

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No. 19-cv-2692

ORDER

AND NOW, this 2nd day of July, 2019, upon consideration of Plaintiff Anthony Kinder's Complaint (ECF No. 1), his Motion for Leave to Proceed *In Forma Pauperis* (ECF No. 4), his certified prison account statement (ECF No. 5), and for the reasons set forth in the Memorandum issued this date, **IT IS ORDERED THAT:**

1. The motion for leave to proceed *in forma pauperis* (ECF No. 4) is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Anthony Kinder, #2013-4648, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court hereby directs the Warden of Berks County Jail or other appropriate official to assess an initial filing fee of 20% of the greater of: (a) the average monthly deposits to Kinder's inmate account; or (b) the average monthly balance in Kinder's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Kinder's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward

payments to the Clerk of Court equaling 20% of the preceding month's income credited to Kinder's inmate account until the fees are paid. Each payment shall reference the docket number for this case.

3. The Clerk of Court is directed to **SEND** a copy of this Order to the Warden of Berks County Jail.

4. The Complaint is **DEEMED** filed.

5. The Complaint is **DISMISSED with prejudice** as to Defendant Reading Police Department for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and the reasons stated in the Court's Memorandum.

6. All further proceedings against the remaining Defendant, Reading Police Officer Hector Marinez, are **STAYED** pending resolution of Kinder's related criminal case, *Commonwealth v. Kinder*, Docket No. CP-06-CR-413-2019 (Berks Cty. Common Pleas), including any available appellate proceedings.

7. **Within thirty days of completion** of *Commonwealth v. Kinder*, Docket No. CP-06-CR-413-2019 (Berks Cty. Common Pleas), including any available appellate proceedings, Kinder shall notify this Court that the state criminal proceedings have concluded so that the above-captioned action may proceed.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.

JOSEPH F. LEESON, JR.
United States District Judge